

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | 4:10CR3053 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| WILLIAM POLK, |) | |
| |) | |
| Defendant. |) | |

This matter is before me on William Polk's notice of appeal (filing [160](#)) and motion for leave to appeal in forma pauperis ("IFP") (filing [161](#)).

[Federal Rule of Appellate Procedure 24](#) provides:

Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

[Fed. R. App. P. 24](#). In his IFP motion, Polk states that he cannot prepay the docket fees of his appeal. (Filing [161](#).) He asserts that his current monthly income is \$12,000, and that he expects his income next month to be \$6,000. (*Id.*) Polk identifies the \$6,000 as a gift. (*Id.*) Polk also discloses that he pays \$460 in monthly rent, \$360 in monthly alimony and \$275 for monthly child care. (*Id.*) Assuming Polk's Motion provides a complete and accurate depiction of his current financial situation, he does not qualify for IFP status. With \$6,000 in expected income next month, I cannot find that Polk is unable to pay the \$455 appellate filing fee.

Accordingly,

IT IS ORDERED:

1. Polk's motion for leave to appeal IFP (filing [161](#)) is denied.
2. Polk shall have until February 24, 2012, to pay the appeal fee of \$455 to the Clerk of the district court.
3. If Polk does not pay the appeal fee by February 24, 2012, the Clerk of the district court shall send a copy of this memorandum and order to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to [Fed. R. App. P. 24\(a\)\(4\)\(C\)](#).

DATED this 25th day of January, 2012.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge

*This opinion may contain hyperlinks to other documents or Web sites. The U.S. District Court for the District of Nebraska does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.